

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ERNEST J PAGELS, JR,

Plaintiff,

Case No. 16-CV-1214-PP

v.

BAY COUNTY, FLORIDA, ET AL.,

Defendants.

**ORDER DENYING MOTION TO PROCEED
IN FORMA PAUPERIS (DKT. NO. 3) AND DISMISSING COMPLAINT**

On September 19, 2016, this court entered an order barring the plaintiff from filing any documents in this court for a period of two years, unless the documents relate to a criminal matter in which the plaintiff is a defendant. The plaintiff, representing himself, had filed numerous frivolous complaints in this court, did not heed the court's warning that further frivolous filings would provide grounds for the court to prevent him from filing additional documents in this district, and the court determined that such a sanction was necessary to address the plaintiff's vexatious litigation practices. Pagels v. City of Waukesha Police Dept., No. 16-cv-1072, Order, Sept. 19, 2016 (E.D. Wis.).

Eleven days before the court entered that order, the plaintiff filed the complaint in this case, along with a motion asking the court to allow him to proceed without paying the filing fees. After the plaintiff refused to consent to the jurisdiction of a magistrate judge, the case was reassigned to this court.

Because the court had not yet entered its order barring the plaintiff from filing additional documents when the plaintiff filed this action, that order does not bar the complaint in this case. The court cannot allow this case to proceed, however, because the complaint is frivolous and fails to state a claim for which relief can be granted.

If a court finds that the allegations in a complaint have “no possibility of the court having authority to provide relief to the plaintiff,” then the case does not belong in federal court. Carter v. Homeward Residential, Inc., 794 F.3d 806, 807 (7th Cir. 2015) (citations omitted). In other words, a finding that the complaint, on its face, is frivolous or nonjusticiable is enough to denote that the case does not invoke federal jurisdiction. Id. at 808. The court has reviewed the allegations in the complaint and has determined that there is no relief that the court can provide to the plaintiff. The facts in the plaintiff’s complaint do not state a claim for relief against any of the entities or individuals named in the complaint.

For the reasons stated above, the court **ORDERS** that this complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. Dkt. No. 1. The court **DIRECTS** the clerk to enter a judgment dismissing the complaint. The court further **ORDERS** that the plaintiff’s motion for leave to proceed without prepayment of the filing fee is **DENIED** as moot. Dkt. No. 3.

Further, the court reiterates that its September 19, 2016 order remains

effective and, until it expires, the Clerk's Office will return unfiled any additional documents the plaintiff attempts to file in a civil case in this court.

Dated in Milwaukee, Wisconsin this 19th day of December, 2016.

BY THE COURT:

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line.

HON. PAMELA PEPPER
United States District Judge